

RECEIVED  
CENTRAL FAX CENTER  
MAR 12 2010

RE: Appeal No. 2009-010326  
U.S. Serial No. 09/445,517  
Attorney Docket: 235/013US

UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES

Appeal No.	2009-010326	Art Unit:	1645
Appellants:	Bradford J. Duft <i>et al.</i>	Examiner:	DEVI, Sarvamangala
App. No.:	USSN 09/445,517	Atty. Docket:	235/013US
Filing Date:	June 5, 1998	Confirm No.:	1018
Title:	<i>Methods for Treating Obesity</i>		

Board of Patent Appeals and Interferences  
US Patent and Trademark Office  
PO Box 1450  
Alexandria, Virginia 22313-1450

Attn: Chief Clerk of the Board

**Withdrawal of Appeal by Filing of an RCE**

Dear Sir:

According to MPEP Section 1215.01, Applicant provides notice to the Board of Patent Appeals and Interferences that Applicant filed a Request for Continuing Examination with required fee and submission with new evidence on 12 March 2010, in compliance with 37 CFR 1.114. This RCE filing effectively withdraws the application from appeal in order to reopen prosecution, closing Appeal 2009-010326.

No decision by the Board in this matter is necessary since prosecution is reopened.

Certificate of Transmission Under 37 C.F.R. 1.8

I hereby certify that the following listed correspondence in the above-referenced application is being electronically filed via EFS-Web at the United States Patent and Trademark Office and being transmitted by facsimile to the fax numbers listed below on this 12 day of March, 2010:

BPAI Hearings Fax No. (571) 273-0299 AND USPTO Central Fax No. (571) 273-8300

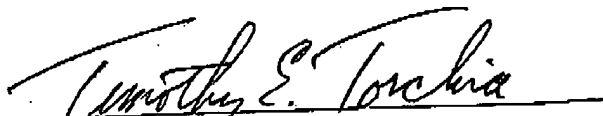
  
Luis Jaramillo

RE: Appeal No. 2009-010326  
U.S. Serial No. 09/445,517  
Attorney Docket: 235/013US

No fees are believed due for this submission. However, if a fee is due, the Commissioner is hereby authorized to charge payment of any fees associated with this communication, to Applicant's Deposit Account No. 010535.

Respectfully submitted,  
AMYLIN PHARMACEUTICALS, INC.

Dated: 12 March 2010

  
Timothy Torchia  
Registration No. 36,700

AMYLIN PHARMACEUTICALS, INC.  
Intellectual Property Group  
9360 Towne Centre Drive  
San Diego, CA 92121  
Tel: (858) 552-5200  
Fax: (858) 552-1936